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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	No. CR 03-20110 RMW
)	
Plaintiff,)	STIPULATION AND []
)	ORDER
v.)	
)	
THIN EDWARD SOU,)	
)	
Defendant.)	
)	

Subject to the Court's approval, it is hereby stipulated by and between counsel for the United States, Assistant U.S. Attorney Kyle F. Waldinger, and counsel for the defendant Thin Edward Sou, Eric Krebs, as follows:

1. On January 10, 2005, and January 18, 2005, the Court conducted closed proceedings involving the defendant Sou outside of the presence of counsel for the United States regarding attorney James Ramsaur's representation of the defendant. Current counsel for the defendant Sou is in possession of transcripts of these proceedings, which have been filed under seal. Given the subject matter of the evidentiary hearing scheduled for August 9–10, 2011, the parties agree that it is appropriate for Sou's counsel to provide these transcripts to counsel for the United States prior to the evidentiary hearing.

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2. Several co-defendants of the defendant Sou entered into plea agreements with the United States. Some or all of these plea agreements may have been filed under seal on the Court's docket. Counsel for the United States is in possession of these plea agreements. Given the subject matter of the evidentiary hearing scheduled for August 9–10, 2011, the parties also agree that it is appropriate for government counsel to provide these documents to counsel for the defendant prior to the evidentiary hearing.

3. The parties agree that the documents and transcripts referred to in paragraphs 1 and 2 above may be produced to opposing counsel. The parties further agree that any of the documents and transcripts referred to in paragraphs 1 and 2 that are currently under seal on the Court's docket will remain under seal. Moreover, the parties agree that these referenced under seal documents will only be used for the August 9–10, 2011, evidentiary hearing, and any subsequent appeal.

SO STIPULATED.

DATED: August 4, 2011

MELINDA HAAG
United States Attorney

/s/
KYLE F. WALDINGER
Assistant United States Attorney

SO STIPULATED.

DATED: August 4, 2011

/s/
ERIC KREBS
Attorney for defendant Thin Edward Sou

[xxxxxxxxxxxx **ORDER**

For the reasons stated above, IT IS HEREBY ORDERED, that the parties may disclose to each other the transcripts and documents referred to in paragraphs 1 and 2 of the parties' stipulation. Any of these referenced documents and transcripts that are currently under seal on the Court's docket will remain under seal. The parties shall use any referenced under seal

1 documents only for purposes of the August 9–10, 2011, evidentiary hearing, and any subsequent
2 appeal.

3
4 DATED: 8/8/11


RONALD M. WHYTE
United States District Judge